35TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 67.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A despatch from Governor Cumming, relative to the termination of the difficulties with the Territory of Utah.

JUNE 10, 1858.—Read, and ordered to be printed.

To the Senate and House of Representatives:

I transmit the copy of a despatch from Governor Cumming to the Secretary of State, dated at Great Salt Lake City, on the second of May, and received at the Department of State on yesterday. From this there is reason to believe that our difficulties with the Territory of Utah have terminated, and the reign of the Constitution and the laws has been restored. I congratulate you on this auspicious event.

I lose no time in communicating this information and in expressing the opinion that there will now be no occasion to make any appropriation for the purpose of calling into service the two regiments of volunteers authorized by the act of Congress approved on the 7th April last, "For the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontier."

I am the more gratified at this satisfactory intelligence from Utah, because it will afford some relief to the treasury at a time demanding from us the strictest economy, and when the question which now arises upon every new appropriation is, whether it be of a character so important and urgent as to brook no delay, and to justify and require a loan, and most probably a tax upon the people to raise the money necessary for its payment.

In regard to the regiment of volunteers authorized by the same act of Congress to be called into service for the defence of the frontiers of Texas against Indian hostilities, I desire to leave this question to Congress, observing at the same time that, in my opinion, this State can be defended for the present by the regular troops which have not yet been withdrawn from its limits.

JAMES BUCHANAN.

WASHINGTON CITY, *June* 10, 1858.

EXECUTIVE OFFICE,
Great Salt Lake City, U. T., May 2, 1858.

SIR: You are aware that my contemplated journey was postponed in consequence of the snow on the mountains and in the cañons between Fort Bridger and this city. In accordance with the determination communicated in former notes, I left camp on the 5th, and arrived here on the 12th ult.

Some of the incidents of my journey are related in the annexed note, addressed by me to Colonel A. S. Johnston on the 15th inst.

"EXECUTIVE OFFICE,
"*Great Salt Lake City, U. T., April* 15, 1858.

"SIR: I left camp on the 5th, *en route* to this city, in accordance with a determination communicated to you on the 3d inst., accompanied by Colonel Kane, as my guide, and two servants. Arriving in the vicinity of the spring, which is on this side of the 'Quaking Asp' hill, after night, Indian camp fires were discerned on the rocks overhanging the valley. We proceeded to the spring, and, after disposing of the animals, retired from the trail beyond the mountain. We had reason to congratulate ourselves upon having taken this precaution, as we subsequently ascertained that the country lying between your outposts and the 'Yellow' is infested by hostile renegades and outlaws from various tribes.

"I was escorted from Bear River valley to the western end of Echo cañon; the journey through the cañon being performed, for the most part, after night, it was about eleven o'clock p. m. when I arrived at Weber station. I have been everywhere recognized as the governor of Utah; and, so far from having encountered insults or indignities, I am gratified in being able to state to you that, in passing through the settlements, I have been universally greeted with such respectful attentions as are due to the representative of the executive authority of the United States in the Territory.

"Near the Warm springs, at the line dividing Great Salt Lake and Davis counties, I was honored with a formal and respectful reception by many gentlemen, including the mayor and other municipal officers of the city, and by them escorted to lodgings previously provided, the mayor occupying a seat in my carriage.

"Ex-Governor Brigham Young paid me a call of ceremony as soon as I was sufficiently relieved from the fatigue of my mountain journey to receive company. In subsequent interviews with the ex-governor he has evinced a willingness to afford me every facility which I may require for the efficient performance of my administrative duties. His course in this respect meets, I fancy, with the approval of a majority of this community. The territorial seal, with other public property, has been tendered me by William H. Hooper, esq., late acting secretary *pro tem.*

"I have not yet examined the subject critically, but apprehend that the records of the United States courts, territorial library, and other public property, remain unimpaired.

"Having entered upon the performance of my official duties in this city, it is probable that I will be detained for some days in this part of the Territory.

"I respectfully call your attention to a matter which demands our serious consideration. Many acts of depredation have been recently committed by Indians upon the property of the inhabitants—one in the immediate vicinity of this city. Believing that the Indians will endeavor to sell the stolen property at or near the camp, I herewith enclose the brand book (incomplete) and memoranda (in part) of stock lost by citizens of Utah since February 25, 1858, and two letters addressed to me on the same subject by William H. Hooper, esq., late acting secretary *pro tem.*, which may enable you to secure the property and punish the thieves.

"With feelings of profound regret I have learned that Agent Hurt is charged with having incited to acts of hostility the Indians in Uinta valley. I hope that Agent Hurt will be able to vindicate himself from the charges contained in the enclosed letter from William H. Hooper, late secretary *pro tem.*, yet they demand a thorough investigation.

"I shall probably be compelled to make a requisition upon you for a sufficient force to chastise the Indians alluded to, since I desire to avoid being compelled to call out the militia for that purpose.

"The gentlemen who are entrusted with this note, Mr. John B. Kimball and Mr. Fay Worthen, are engaged in mercantile pursuits here, and are represented to be gentlemen of the highest respectability, and have no connexion with the church here. Should you deem it advisable or necessary, you will please send any communications intended for me by them. I beg leave to commend them to your confidence and courtesy; they will probably return to the city in a few days. They are well known to Messrs. Gilbert, Perry & Barr, with whom you will please communicate.

"Very respectfully, your obedient servant,

"A. CUMMING,
"*Governor of Utah Territory.*

"A. S. JOHNSTON,
"*Colonel of Cavalry, commanding Army of Utah,*
"*Fort Scott, U. T.*"

The note omits to state that I met parties of armed men at Lost and Yellow creeks, as well as at Echo cañon. At every point, however, I was recognized as the governor of Utah, and received with a military salute. When it was arranged with the Mormon officer in command of my escort that I should pass through Echo cañon at night, I inferred that it was with the object of concealing the barricades and other defences. I was therefore agreeably surprised by an illumination in honor to me. The bonfires kindled by the soldiers from the base to the summits of the walls of the cañon completely illuminated the valley and disclosed the snow-covered mountains which surrounded us. When I arrived at the next station I found the "emigrant road," over the "Big mountain," still impassable. I was able to make my way, however, down "Weber cañon."

Since my arrival I have been employed in examining the records of the supreme and district courts, which I am now prepared to report as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary.

I have also examined the legislative records and other books belonging to the office of the secretary of state, which are in perfect preservation. The property return, though not made up in proper form, exhibits the public property for which W. H. Hooper, late secretary of state, is responsible. It is, in part, the same for which the estate of A. W. Babbitt is liable, that individual having died whilst in the office of secretary of state for Utah.

I believe that the books and charts, stationery, and other property appertaining to the surveyor general's office will, upon examination, be found in the proper place, except some instruments, which are supposed to have been disposed of by a person who was temporarily in charge of the office. I examined the property, but cannot verify the matter, in consequence of not having at my command a schedule or property return.

The condition of the large and valuable territorial library has also commanded my attention, and I am pleased in being able to report that Mr. W. C. Staines, the librarian, has kept the books and records in most excellent condition. I will, at an early day, transmit a catalogue of this library, and schedules of the other public property, with certified copies of the records of the supreme and district courts, exhibiting the character and amount of the public business last transacted in them.

On the 21st inst., I left Great Salt Lake City, and visited Tuilla and Rush valleys, in the latter of which lies the military reserve selected by Colonel Steptoe, and endeavored to trace the lines upon the ground from field notes which are in the surveyor general's office. An accurate plat of the reserve, as it has been measured off, will be found accompanying a communication, which I shall address to the Secretary of War, upon this subject.

On the morning of the 24th instant, information was communicated to me that a number of persons who were desirous of leaving the Territory were unable to do so, and considered themselves to be unlawfully restrained of their liberty. However, desirous of conciliating popular opinion, I felt it incumbent upon me to adopt the most energetic measures to ascertain the truth or falsehood of this statement. Postponing, therefore, a journey of importance, which I had in contemplation, to one of the settlements of Utah county, I caused public notice to be given immediately of my readiness to relieve all persons who were, or deemed themselves to be aggrieved, and on the ensuing day, which was Sunday, requested the following notice to be read, in my presence, to the people at the Tabernacle:

"NOTICE.

"It has been reported to me that there are persons residing in this and in other parts of the Territory who are illegally restrained of their liberty. It is, therefore, proper that I should announce that I

assume the protection of all such persons, if any there be, and request that they will communicate to me their names and places of residence, under seal, through Mr. Fay Worthen, or to me in person, during my stay in the city.

"A. CUMMING,
"*Governor of Utah Territory.*"

I have since kept my office open at all hours of the day and night, and have registered no less than 56 men, 33 women, and 71 children, as desirous of my protection and assistance in proceeding to the States. The large majority of these people are of English birth, and state that they leave the congregation from a desire to improve their circumstances, and realize elsewhere more money by their labor. Certain leading men among the Mormons have promised to furnish them flour, and assist them in leaving the country.

My presence at the meeting in the Tabernacle will be remembered by me as an occasion of intense interest. Between three and four thousand persons were assembled for the purpose of public worship; the hall was crowded to overflowing; but the most profound quiet was observed when I appeared. President Brigham Young introduced me by name as the governor of Utah, and I addressed the audience from "the stand." I informed them that I had come among them to vindicate the national sovereignty; that it was my duty to secure the supremacy of the Constitution and the laws; that I had taken my oath of office to exact an unconditional submission on their part to the dictates of the law. I was not interrupted. In a discourse of about thirty minutes' duration, I touched (as I thought best) boldly upon all the leading questions at issue between them and the general government. I remembered that I had to deal with men embittered by the remembrance and recital of many real and some imaginary wrongs, but did not think it wise to withhold from them the entire truth. They listened respectfully to all that I had to say—approvingly even, I fancied—when I explained to them what I intended should be the character of my administration. In fact, the whole manner of the people was calm, betokening no consciousness of having done wrong, but rather, as it were, indicating a conviction that they had done their duty to their religion and to their country. I have observed that the Mormons profess to view the Constitution as the work of inspired men, and respond with readiness to appeals for its support.

Thus the meeting might have ended. But, after closing my remarks, I rose and stated that I would be glad to hear from any who might be inclined to address me upon topics of interest to the community. This invitation brought forth, in succession, several powerful speakers who evidently exercised great influence over the masses of the people. They harangued on the subject of the assassination of Joseph Smith, junior, and his friends; the services rendered by the Mormon battalion to an ungrateful country; their sufferings on "the plains" during their dreary pilgrimage to their mountain home, &c. The congregation became greatly excited, and joined the speakers in their intemperate remarks, exhibiting more frenzy than I had expected

to witness among a people who habitually exercise great self-control. A speaker now represented the federal government as desirous of needlessly introducing the national troops into the Territory, "whether a necessity existed for their employment to support the authority of the civil officers or not;" and the wildest uproar ensued. I was fully confirmed in the opinion that this people, with their extraordinary religion and customs, would gladly encounter certain death, rather than be taxed with a submission to the military power, which they consider to involve a loss of honor.

In my first address I had informed them that they were entitled to a trial by their peers; that I had no intention of stationing the army in immediate contact with their settlements, and that the military posse would not be resorted to until other means of arrest had been tried and failed. I found the greatest difficulty in explaining these points, so great was the excitement. Eventually, however, the efforts of Brigham Young were successful in calming the tumult and restoring order before the adjournment of the meeting. It is proper that I should add that more than one speaker has since expressed his regret at having been betrayed into intemperance of language in my presence.

The President and the American people will learn with gratification the auspicious issue of our difficulties here. I regret the necessity which compels me to mingle with my congratulations the announcement of a fact which will occasion grave concern.

The people, including the inhabitants of this city, are removing from every settlement in the northern part of the Territory. The roads are everywhere filled with wagons loaded with provisions and household furniture, the women and children, often without shoes or hats, driving their flocks they know not where. They seem not only resigned, but cheerful. "It is *the will of the Lord*," and they rejoice to exchange the comforts of home for the trials of the wilderness. Their ultimate destination is not, I apprehend, definitely fixed upon. "Going south" seems sufficiently definite for most of them, but many believe that their ultimate destination is Sonora.*

Young, Kimball, and most of the influential men have left their commodious mansions without apparent regret, to lengthen the long train of wanderers. The masses everywhere announce to me that the torch will be applied to every house, indiscriminately, throughout the country, so soon as the troops attempt to cross the mountains. I shall follow these people, and endeavor to rally them. Numbers whom I have met appear to be in dread of the Indians, whom the distressed condition of the whites has encouraged to commit extensive depredations. I may at least quiet the apprehensions of these persons, and induce some of them to return.

Our military force could overwhelm most of these poor people, involving men, women, and children, in a common fate; but there are

* On the afternoon of Sunday last President Brigham Young is reported to have spoken in the Tabernacle as follows:

"I have a good mind to tell a secret right here; I believe I will tell it, anyhow. They say there is a fine country down south there, *Sonora* is it? Is that your name for it? Do not speak of this out of doors, if you please."

among the Mormons many brave men, accustomed to arms and horses; men who would fight desperately as guerrillas, and, if the settlements are destroyed, will subject the country to an expensive and protracted war, without any compensating results. They will, I am sure, submit to *trial by their peers*, but they will not brook the idea of trials by "juries composed of teamsters and followers of the camp," nor of an army encamped in their *cities* or *dense* settlements.

I have adopted means to recall the few remaining Mormons in arms who have not yet, it is said, complied with my request to withdraw from the cañons and the eastern frontier. I have also taken measures to protect the buildings which have been vacated in the northern settlements. I am sanguine that I will save a great part of the valuable improvements there.

I shall leave this city for the south to-morrow. After I have finished my business there, I shall return as soon as possible to the army, to complete the arrangements which will enable me, before long, I trust, to announce that the road between California and Missouri may be travelled with perfect security by teams and emigrants of every description.

I shall restrain all operations of the military for the present, which will probably enable me to receive from the President additional instructions, if he deems it necessary to give them.

Very respectfully, your obedient servant,

A. CUMMING,
Governor of Utah.

Hon. LEWIS CASS,
Secretary of State, Washington City, D. C.

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